

Docket No.: 50212-278



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Customer Number: 20277
Takeshi NAKAMURA, et al. : Confirmation Number:
Serial No.: 09/736,250 : Group Art Unit:
Filed: December 15, 2000 : Examiner:
For: HUMAN CYCLINI AND GENES ENCODING SAME

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OFFICE OF PETITIONS

PETITION AND REQUEST TO WITHDRAW HOLDING OF ABANDONMENT

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Notice of Abandonment mailed June 4, 2004 indicates that the above-identified application is abandoned in view of Applicant's failure to timely or properly reply to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures (Notice) mailed on March 7, 2001.

A Response to this Notice was timely filed on May 7, 2001, by the Pillsbury Winthrop Firm, as is evidenced by the attached stamped and dated USPTO acknowledgement.

Submitted herewith are true copies of the documents filed on May 7, 2001. The undersigned hereby certifies that the attached copies of the listed documents are true and accurate copies of the original documents, and that the original documents were timely filed on May 7, 2001, as evidenced by the copy of the stamped and dated acknowledgement.

09/736,250

It is requested that this Petition be treated as a Request to Withdraw any Holding of Abandonment and the Petition Fee be refunded.

It is respectfully requested that the holding of abandonment be withdrawn and the application returned to pending status and processed for examination.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time or petition fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

MCDERMOTT WILL & EMERY LLP

Arthur J. Steiner
Registration No. 26,106

600 13th Street, N.W.
Washington, DC 20005-3096
(202) 756-8000 AJS:llm
Facsimile: (202) 756-8087
Date: July 5, 2004



JUL 06 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

TRADEMARK

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/736,250	12/15/2000	Takeshi Nakamura	50212-278

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OFFICE OF PETITIONS**CONFIRMATION NO. 9013****ABANDONMENT/TERMINATION
LETTER**

OC000000012866392

Date Mailed: 06/04/2004

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 03/07/2001.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

M. Young
 Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

O I P E

JUL 06 2004

PATENT & TRADEMARK OFFICE

RECEIPT FROM PTO FOR INDICATED ITEMS

(Do NOT Use for New or Continuing Applications of Any Kind)
 Use 2 postcards for all New Applns. (cont/Div/CIP, too)
Use this sheet when filing CPA

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JUL 08 2004

Appln. No: 09/054,492

First Inventor: NAKAMURA

Atty: Blair E. Taylor

OFFICE OF PETITIONS

Date: May 7, 2001

Matter No: 275300

Client No: 7898

ENCLOSED:

- RESUBMISSION PURSUANT TO 37 C.F.R. §§ 1.821-1.825
 Appendix Cover Sheet Cited/Listed Documents

- Completion Request for R 53(f)/PCT Nat.

No. of Pages Abstract

No. of Pages Spec and Claims

No. of Numbered Claims Only# No. of Sheets of Drawings (Figs) 1 Set Formal 1 Set Informal Cover Letter Declaration # of pages Assignment Cover Sheet Small Entity Declaration Extension Petition (PAT-111)# No. of Priority Documents IDS Letter Cited Appln(s) Foreign Sch Rep/OA PTO-1449 Cited Documents Issue Fee Transmittal Form PTOL-85(b) + (c)\$ -0-

Fee (Check)

OTHER:

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS
 CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE
 DISCLOSURES

Current DUE DATE:

 May 7, 2001

(Submit Single Copy Only)

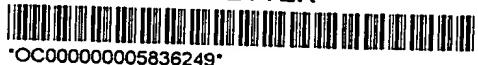
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OFFICE OF PLEADINGS

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/736.250	12/15/2000	Takeshi Nakamura	PM 275300 SEI 96-27 US

CONFIRMATION NO. 9013**FORMALITIES LETTER**

Intellectual Property Group
Pillsbury Madison & Sutro LLP
East Tower, Ninth Floor
1100 New York Avenue, N.W.
Washington, DC 20005-3918

Date Mailed: 03/07/2001

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE
DISCLOSURES**

Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- This application does not contain a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). Applicant must provide such statement. If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

A copy of this notice MUST be returned with the reply.

Hulk message to Eddie

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

In re Divisional Patent Application of

NAKAMURA

Group Art Unit: 1655

Parent Application No.: 09/054,492

Examiner: E. Whisenant

Divisional Filed: December 15, 2000

Title: HUMAN CYCLIN I AND GENES ENCODING SAME

* * * * *

May 7, 2001

RESUBMISSION PURSUANT TO 37 C.F.R §§ 1.821-1.825

Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:

Responsive to the communication mailed March 7, 2001, kindly consider and enter into the record the following amendment and remarks.

IN THE SPECIFICATION:

Kindly delete pages 47-51 as originally filed, and substitute in lieu thereof Sequence Listing pages numbered 47-51 attached hereto in the Appendix.

REMARKS

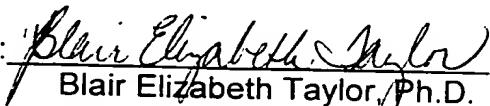
In accordance with 37 C.F.R. § 1.821(c), a substitute paper "Sequence Listing" is submitted herewith, and it is respectfully requested that the Sequence Listing be entered into the application. The Sequence Listing is identical to the one entered into parent application U.S. Serial No. 09/054,492, from which this Divisional application claims priority.

Applicants request pursuant to 37 C.F.R. § 1.821(e) that the computer readable Sequence Listing filed with the U.S. Patent and Trademark Office in the parent application be submitted in lieu of a new computer readable format. The paper Sequence Listing submitted herewith is identical to the Sequence Listing recorded in the computer readable format submitted in U.S. Serial No. 09/054,492, which satisfies the requirements of 37 C.F.R. § 1.821(f).

In view of the foregoing, it is respectfully submitted that the instant application complies with the Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures pursuant to 37 C.F.R. §§ 1.821-1.825.

Respectfully submitted,

PILLSBURY WINTHROP LLP

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Tel. No.: (202) 861-3000
Enclosure: Appendix

APPENDIX
MARK UP VERSION SHOWING CHANGES MADE

IN THE SPECIFICATION:

Kindly amend the specification by inserting the accompanying pages of Sequence Listing in lieu of originally filed pages 47-51.